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ABBOTT DIABETES CARE INC.  
and ABBOTT LABORATORIES

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

ABBOTT DIABETES CARE INC. and  
ABBOTT LABORATORIES,

CASE NO. C05-3117 MJJ

Plaintiffs,

Granted

vs.

**JOINT STIPULATION CONCERNING  
BAYER'S MOTION FOR A MORE  
DEFINITE STATEMENT**

ROCHE DIAGNOSTICS CORPORATION  
and BAYER HEALTHCARE LLC

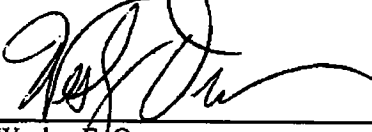
Defendants.

1 **JOINT STIPULATION**

2 On September 6, 2005, Defendant Bayer Healthcare LLC ("Bayer") filed a Motion  
 3 for a More Definite Statement ("Motion"). Bayer set its Motion for hearing on October 18, 2005.  
 4 Defendants Abbott Diabetes Care Inc.'s ("ADC's") and Abbott Laboratories' ("Abbott Labs")  
 5 (collectively "Abbott's") deadline to file an opposition brief is September 27, 2006. Instead of  
 6 filing an opposition brief and proceeding to a hearing on Bayer's Motion, Abbott and Bayer  
 7 jointly stipulate as follows: (1) Bayer agrees to withdraw its Motion and cancel the hearing set for  
 8 October 18, 2005; and (2) Bayer agrees to answer Abbott's Complaint on October 10, 2005.  
 9

10 DATED: September 26, 2005

MORRISON FOERSTER

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 12  
 13 Wesley E. Overson

14 ATTORNEYS FOR DEFENDANT BAYER  
 15 HEALTHCARE LLC

16 DATED: 9/26/2005

BAKER BOTTS L.L.P.

17  
 18   
 19 James W. Cannon, Jr.

20 ATTORNEYS FOR PLAINTIFFS ABBOTT  
 21 DIABETES CARE INC. AND ABBOTT  
 22 LABORATORIES

23  
 24  
 25 9/30/3005



**Certificate of Service**

I certify that a copy of the foregoing was served on the following counsel of record  
via electronic mail:

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I certify under the penalty of perjury that the foregoing is true and correct.

Executed on September 26, 2005 in Austin, Texas.

James Cannon / WJP  
James W. Cannon, Jr.